

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 276 be amended to read as follows:

- 1 Page 2, line 10, delete ":".
- 2 Page 2, strike lines 11 through 16.
- 3 Page 2, line 17, strike "(2)".
- 4 Page 2, line 17, delete ";".
- 5 Page 2, strike line 26.
- 6 Page 2, line 27, strike "amendment as provided in subsection (b),".
- 7 Page 2, line 27, strike "the court".
- 8 Page 2, strike lines 28 through 31.
- 9 Page 2, line 32, strike "opportunity to prepare".
- 10 Page 2, line 32, delete "the defendant's".
- 11 Page 2, line 32, strike "defense."
- 12 Page 2, line 33, strike "(e)" and insert "(d)".
- 13 Page 2, after line 39, begin a new paragraph and insert:
- 14 **"(e) Before amendment of any indictment or information other**
- 15 **than amendment as provided in subsection (b), the court shall give**
- 16 **all parties adequate notice of the intended amendment and an**
- 17 **opportunity to be heard. If the court permits an amendment, the**
- 18 **court shall, upon motion by the defendant, order any continuance**
- 19 **of the proceedings that may be necessary to accord the defendant**
- 20 **adequate opportunity to prepare a defense."**

(Reference is to SB 276 as printed January 15, 2009.)

Senator YOUNG R MICHAEL